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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,950	08/29/2000	Mark T. Gross	5038-41	8973

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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/650,950	Applicant(s) GROSS, MARK T.	
	Examiner Victor Lesniewski	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 14 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14 and 18-25 is/are rejected.
- 7) ☒ Claim(s) 1-7 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The amendment filed 6/10/2005 has been placed of record in the file.
2. Claims 1-7 and 14 have been amended.
3. The rejection of claims 1 and 14 under 35 U.S.C. 112 is withdrawn in view of the amendment.
4. Claims 15-17 have been canceled.
5. Claims 18-25 have been added.
6. Claims 1-7, 14, and 18-25 are now pending.
7. The applicant's arguments with respect to claims 1-7 and 14 have been considered but are moot in view of the following new grounds of rejection.

Continued Examination Under 37 CFR 1.114

8. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. The applicant's submission filed on 6/10/2005 has been entered.

Claim Objections

9. Claims 1-7 and 20 are objected to because of the following informalities:
 - Claim 1 appears to be missing a word at line 6 where the claim states “configuring the according to the configuration instructions”.

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- Claim 2 appears to be missing a word at line 2 where the claim states “at a mail server on the.”.
- Claim 3 appears to be misworded at lines 1-2 where the claim states “the mail server on the communicates”.
- Claim 20 appears to be misworded at lines 1-2 where the claim states “the mail server on the receiver communicates is one of the group”.
- Claims 2-7 are also objected to due to their dependence on claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 14 and 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 14 and 25 recite descriptive material that may or may not be an embodiment of a computer system or embodied on a computer readable medium so as to be executable. Here, a “storage medium having stored thereon instructions” does not suffice as computer readable or a computer program product and does not constitute eligible subject matter for patentability. See MPEP 2106.IV.B.1(a).

12. For the purpose of applying prior art it will be assumed that claims 14 and 25 recite a computer readable medium.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib (U.S. Patent Number 6,272,532) in view of Okazaki et al. (U.S. Patent Number 6,578,067), hereinafter referred to as Okazaki.

15. Feinleib disclosed a system wherein a network appliance is controlled by commands in received electronic messages. In an analogous art, Okazaki disclosed a system wherein control commands are processed by a module that operates a unique service.

16. Concerning claim 1, Feinleib did not explicitly state utilizing a camera as a network appliance or the configuration instructions causing the camera to perform one of either changing a direction the camera is pointing or panning/tilting/zooming. However, Okazaki does explicitly disclose these features as his system supports "CameraControl" commands processed at the module of the unique service. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Feinleib by adding the ability to use a camera and have the configuration instructions cause the camera to perform one of either changing a direction the camera is pointing or panning/tilting/zooming as provided by Okazaki. Here the combination satisfies the need for a network that maintains the ability to issue commands to a specific system via email. See Feinleib, column 1, lines 49-55.

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17. Concerning claim 4, Feinleib did not explicitly state the appliance always being connected to the network. However, permanent network connectivity for network appliances was well known in the art at the time of the applicant's invention as it allows for uninterrupted monitoring of network activity or uninterrupted monitoring or use of the appliance. Thus, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Feinleib by adding the ability to have the appliance always connected to the network.

18. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as an article are rejected under the same rationale applied to the described claim.

19. Thereby, the combination of Feinleib and Okazaki discloses:

- <Claims 1 and 14>

A method for configuring camera across a network, comprising: receiving configuration instructions via an e-mail message including the instructions in command format received at the camera (Feinleib, column 2, lines 50-59); extracting the configuration instructions from the e-mail message (Feinleib, column 2, line 64 through column 3, line 2 and column 4, lines 4-7); and configuring the according to the configuration instructions (Feinleib, column 4, lines 11-13), wherein the configuration instructions cause the camera to perform one of either changing a direction the camera is pointing or panning/tilting/zooming (Okazaki, column 4, lines 40-50).

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- <Claim 2>

The method of claim 1 wherein the e-mail message is received at a mail server on the (Feinleib, column 2, lines 59-64).

- <Claim 3>

The method of claim 2 wherein the mail server on the communicates is one of the group comprised of: an IMAP server, and a SMTP server (Feinleib, column 2, lines 59-66).

- <Claim 4>

The method of claim 1 wherein the method further comprises running a mail daemon from the camera, wherein the camera is always connected to the network (obviousness) and the daemon monitors electronic mail for the device (Feinleib, column 5, lines 28-36).

- <Claim 5>

The method of claim 1 wherein the method further comprises connecting the camera to the network to receive the e-mail message (Feinleib, column 5, lines 28-36).

- <Claim 6>

The method of claim 1 wherein the e-mail message is received at a mail client on the camera (Feinleib, column 2, lines 60-65).

- <Claim 7>

The method of claim 6 wherein the mail client on the camera communicates with a mail server on the network (Feinleib, column 2, lines 60-65).

Since the combination of Feinleib and Okazaki discloses all of the above limitations, claims 1-7 and 14 are rejected.

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20. Claims 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib in view of Bauer et al. (U.S. Patent Number 6,735,193), hereinafter referred to as Bauer.

21. Feinleib disclosed a system wherein a network appliance is controlled by commands in received electronic messages. In an analogous art, Bauer disclosed a music-on-hold feature that allows a user to send control commands to a network radio while on hold.

22. Concerning claim 18, Feinleib did not explicitly state utilizing a radio receiver as a network appliance or the configuration instructions causing the receiver to access data from a new uniform resource locator. However, Bauer does explicitly disclose these features as his system maintains a music-on-hold feature allowing a user to remotely change the music source while on hold. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Feinleib by adding the ability to use a radio receiver and have the configuration instructions cause the receiver to access data from a new uniform resource locator as provided by Bauer. Here the combination satisfies the need for a network that maintains the ability to issue commands to a specific system via email. See Feinleib, column 1, lines 49-55.

23. Concerning claim 21, Feinleib did not explicitly state the appliance always being connected to the network. However, permanent network connectivity for network appliances was well known in the art at the time of the applicant's invention as it allows for uninterrupted monitoring of network activity or uninterrupted monitoring or use of the appliance. Thus, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Feinleib by adding the ability to have the appliance always connected to the network.

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24. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as an article are rejected under the same rationale applied to the described claim.

25. Thereby, the combination of Feinleib and Bauer discloses:

- <Claims 18 and 25>

A method for configuring a radio receiver across a network, comprising: receiving configuration instructions via an e-mail message including the instructions in command format received at the receiver (Feinleib, column 2, lines 50-59); extracting the configuration instructions from the e-mail message (Feinleib, column 2, line 64 through column 3, line 2 and column 4, lines 4-7); and configuring the radio according to the configuration instructions (Feinleib, column 4, lines 11-13), wherein the configuration instructions cause the receiver to access data from a new uniform resource locator (Bauer, column 4, lines 15-44).

- <Claim 19>

The method of claim 18 wherein the e-mail message is received at a mail server on the receiver (Feinleib, column 2, lines 59-64).

- <Claim 20>

The method of claim 19 wherein the mail server on the receiver communicates is one of the group comprised of: an IMAP server, and a SMTP server (Feinleib, column 2, lines 59-66).

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- <Claim 21>

The method of claim 18 wherein the method further comprises running a mail daemon from the receiver, wherein the receiver is always connected to the network (obviousness) and the daemon monitors electronic mail for the device (Feinleib, column 5, lines 28-36).

- <Claim 22>

The method of claim 18 wherein the method further comprises connecting the receiver to the network to receive the e-mail message (Feinleib, column 5, lines 28-36).

- <Claim 23>

The method of claim 18 wherein the e-mail message is received at a mail client on the receiver (Feinleib, column 2, lines 60-65).

- <Claim 24>

The method of claim 23 wherein the mail client on the receiver communicates with a mail server on the network (Feinleib, column 2, lines 60-65).

Since the combination of Feinleib and Bauer discloses all of the above limitations, claims 18-25 are rejected.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Amini et al. (U.S. Patent Number 6,698,021) disclosed a method for the remote control of surveillance devices.

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27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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